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DOMINIC DESMOND CULLEN

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DOMINIC DESMOND CULLEN, *et al.*

Defendants.

Case No.: CR 18-0449 JD

**JOINT REQUEST AND STIPULATION RE:
CONTINUATION OF INITIAL APPEARANCE;
[PROPOSED] ORDER**

This matter is currently set for an Initial Status Hearing on November 28, 2018, at 9:30 a.m.

Defendant Cullen is charged in Counts One and Two of a three-count indictment. Both counts allege that Defendant Cullen was a Felon in Possession of a Firearm in violation of 18 U.S.C. § 922(g)(1). The co-defendant is a fugitive and has yet to make an initial appearance.

To date, the government has produced some discovery in this matter (approximately 200 pages and some video and audio files) and there may be additional discovery to follow.

1 Defense Counsel and the government have met and conferred in person on discovery as well
2 as other issues.

3 Defense counsel for Defendant Cullen is currently involved in a jury trial in San
4 Francisco Superior Court. The case was originally expected to be completed prior to the
5 Thanksgiving holiday, but due to certain delays, the case is now not scheduled to end until the
6 week of January 11, 2019. As such, Defendant Cullen requests and the parties jointly stipulate
7 that this matter go over to January 23, 2019, at 9:30 a.m.

8 The parties further agree and stipulate that the time between November 28, 2018,
9 through and including January 23, 2019, may be time excluded from the Speedy Trial Act, in
10 order to ensure the reasonable time necessary for the continuity of counsel and the effective
11 preparation of counsel, pursuant to Title 18, United States Code Sections 3161(b), (h)(7)(A),
12 (h)(7)(B)(iv). The parties agree that the ends of justice served by excluding the above period
13 of time outweigh the best interest of the public and the defendant in speedy trial.
14

15 SO STIPULATED.

16 ALEX G. TSE
17 United States Attorney

18 Dated: November 26, 2018

19 _____/s/_____
20 THOMAS R. GREEN
21 Assistant United States Attorney

22 Dated: November 26, 2018

23 _____/s/_____
24 EDWIN K. PRATHER
25 Attorney for Defendant
DOMINIC DESMOND CULLEN

~~[PROPOSED]~~ ORDER

GOOD CAUSE APPEARING and per the parties' stipulation, IT IS HEREBY ORDERED that this matter be set for status conference on January 23, 2019, at 9:30 a.m.

The time from November 28, 2018, through and including January 23, 2019, shall be time excluded from Speedy Trial Act calculations, in order to ensure the reasonable time necessary for the continuity of counsel and for the effective preparation and continuity of counsel, pursuant to Title 18, United States Code Sections 3161(b), (h)(7)(A), (h)(7)(B)(iv). The Court finds that the ends of justice served by excluding the above period of time outweigh the best interest of the public and the defendant in speedy trial.

Dated: November 27, 2018

